

March 27, 2008



Homeland Security

Mr. Earl M. Sweeney
Assistant Commissioner
State of New Hampshire Department of Safety
33 Hazen Drive
Concord, NH 03305

Dear Assistant Commissioner Sweeney:

Thank you and the State of New Hampshire for your continued commitment to improve New Hampshire driver's license and identification issuance processes. Secure identification is an important part of the nation's protection from terrorism and crime.

We have received your March 26, 2008 supplement letter to your February 25, 2008 letter urging that the Department not take any steps to penalize the use of New Hampshire driver's licenses for federal identification purposes after May 11, 2008. As you know, the Secretary of Homeland Security has no legal authority to waive compliance with the REAL ID Act. Under statute, the Department can only grant you an extension of the compliance deadline. Therefore, I can only provide the relief you are seeking by treating your letter as a request for an extension.

In addition, by law I can only grant an extension in order "to meet the requirements of" REAL ID. That means that New Hampshire must be on track to meet the requirements of REAL ID; I cannot grant an extension to a state that does not meet security standards consistent with the statute. Your recent letter lists a number of security measures that New Hampshire has adopted and others that New Hampshire will adopt in 2009. For example, New Hampshire recently awarded a vendor contract starting in May 2008 to add security features to its driver's licenses and identification cards. These measures, once adopted will provide the principal security features required at this time by REAL ID; implementing them by the end of 2009 will position New Hampshire to be materially compliant with the first phase of REAL ID implementation.

For these reasons, I agree that, under the statute, the State of New Hampshire has met the requirements for an extension of the compliance date; accordingly the Department grants New Hampshire an extension until December 31, 2009, at which time the next phase of REAL ID compliance will take effect. If you have questions or require additional assistance, please contact Mr. Darrell Williams at darrell.williams1@dhs.gov or (202) 447-3836.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Baker".

Stewart A. Baker
Assistant Secretary for Policy